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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MONTY C. PEPPER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-084-JJF
	)	
Warden THOMAS CARROLL, C/O	)	
BAMBI THOMAS, C/O JAMES	)	
GARDELS, C/O THOMAS SEACORD	)	
	)	
Defendants.	)	

**STATE DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME**

COME NOW State Defendants, by and through undersigned counsel, and respectfully moves this Honorable Court to enter an Order granting an enlargement of thirty days within which to file a response to Plaintiff's Complaint. In support of this motion, State Defendants offer the following:

1. On February 15, 2005, Plaintiff filed this Complaint. (D.I. 2).
2. Between October 18, 2005 and October 21, 2005, Defendants signed and returned Waivers of Service with an answer due on December 19, 2005. (D. I. 21, 22, 23).
3. Defendants will respond with a Motion to Dismiss.
4. Defense counsel anticipated being able to file a Motion to Dismiss with an accompanying Memorandum of Points and Authorities by December 19, 2005. Plaintiff's Complaint lists a very wide range of claims and grievances. Sorting through them and investigating the many claims is taking more than the usual amount of time. In addition, the departure of a deputy from the Correction Unit left the unit short staffed. This loss results in an increased caseload with its accompanying obligations and severe time constraints for other

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personnel in the unit.

4. There is no trial date scheduled in this case.

WHEREFORE, for the reasons stated herein, State Defendant respectfully requests that the Court grant their Motion for Enlargement of Time and enter an order in the form attached hereto, with the appropriate dates provided at the Court's discretion.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi  
Deputy Attorney General  
820 N. French Street, 6th floor  
Wilmington, DE 19801  
(302) 577-8400  
lisa.barchi@state.de.us

Date: December 15, 2005

Attorney for State Defendants

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GARDELS, C/O THOMAS SEACORD	)	
	)	
Defendants.	)	

**16.5 CERTIFICATE OF COUNSEL**

In compliance with Local Rule of Civil Procedure 16.5, counsel for the Defendants making the request for enlargement of time to file a reply brief files this Certificate and states:

I certify that the State Defendants have been provided with copies of the Motion for Enlargement of Time and that service has been sent by regular mail.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**  
/s/ Lisa Barchi  
Deputy Attorney General  
820 N. French Street, 6th floor  
Wilmington, DE 19801  
(302) 577-8400  
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Attorney for State Defendants

Date: December 15, 2005

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GARDELS, C/O THOMAS SEACORD	)	
	)	
Defendants.	)	

**7.1.1 CERTIFICATE OF COUNSEL**

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. The plaintiff is an inmate incarcerated in the Delaware Correctional system, at the Delaware Correctional Center, Smyrna, Delaware.
2. Since the plaintiff is not able to be reached by telephone, counsel for Defendants has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.
3. She assumes that the motion is opposed.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi  
Deputy Attorney General  
820 N. French Street, 6th floor  
Wilmington, DE 19801  
(302) 577-8400  
lisa.barchi@state.de.us

Date: December 15, 2005

Attorney for State Defendant

***CERTIFICATE OF MAILING AND/OR DELIVERY***

error  
Copy

I hereby certify that on December 7, 2005, I electronically filed *State Defendant's Motion for Enlargement of Time* with the Clerk of Court using CM/ECF. I have mailed by United States Postal Service, the document to the following non-registered participant:

Donald Jordan  
SBI # 095723  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947



/s/ Lisa Barchi  
Deputy Attorney General  
820 N. French Street, 6th floor  
Wilmington, DE 19801  
(302) 577-8400  
lisa.barchi@state.de.us

Attorney for State Defendant

## Motions

1:05-cv-00084-JJF Pepper v. Carroll et al

**U.S. District Court**

**District of Delaware**

### Notice of Electronic Filing

The following transaction was received from Barchi, Lisa Ann entered on 12/15/2005 at 10:53 AM EST and filed on 12/15/2005

**Case Name:** Pepper v. Carroll et al  
**Case Number:** 1:05-cv-84  
**Filer:** Thomas Seacord  
Bambi Thomas  
Thomas Carroll  
James Cordell

**Document Number:** 24

### Docket Text:

MOTION for Extension of Time to File Answer re [2] Complaint, [7] Amended Complaint - filed by Thomas Carroll, Bambi Thomas, James Cordell, Thomas Seacord. (Barchi, Lisa)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

### Electronic document Stamp:

[STAMP dcecfStamp\_ID=1079733196 [Date=12/15/2005] [FileNumber=140267-0]  
] [ad2a20587a9c9fcf24f1841bbe10a20d4303556d77f927900db6548a1cbe372ddd4  
7598d058f90338a19d913c5d7558b5e30f286728eb06def7536dc570a27e9]]

### 1:05-cv-84 Notice will be electronically mailed to:

Lisa Ann Barchi lisa.barchi@state.de.us,

### 1:05-cv-84 Notice will be delivered by other means to:

Monty C. Pepper  
SBI #0015920  
Delaware Correctional Center  
1181 Paddock Rd.  
Smyrna, DE 19977